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AMENDMENTS TO LB 455

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. The Legislature affirms the importance of
4 parole as a program for the supervised release of inmates making
5 the transition from confinement to responsible citizenship.
6 Therefor the Legislature intends that committed offenders eligible
7 for parole should have the opportunity to complete the final stages
8 of their sentences on parole.

9 Sec. 2. Section 83-1,110, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 83-1,110. (1) ~~Except as provided in subsections (3) and~~
12 ~~(4) of this section, every~~ Every committed offender shall be
13 eligible for parole when the offender has served one-half the
14 minimum term of his or her sentence as provided in sections
15 83-1,107 and 83-1,108. The board shall conduct a parole review not
16 later than sixty days prior to the date a committed offender
17 becomes eligible for parole as provided in this subsection, except
18 that if a committed offender is eligible for parole upon his or her
19 commitment to the department, a parole review shall occur as early
20 as practical. No such reduction of sentence shall be applied to
21 any sentence imposing a mandatory minimum term.

22 (2) ~~Except as provided in subsections (3) and (4) of this~~
23 ~~section, every~~ Every committed offender sentenced to consecutive
24 terms, whether received at the same time or at any time during the

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1 original sentence, shall be eligible for release on parole when the
2 offender has served the total of one-half the minimum ~~terms~~ term as
3 provided in sections 83-1,107 and 83-1,108. The maximum terms
4 shall be added to compute the new maximum term which, less good
5 time, shall determine the date when discharge from the custody of
6 the state becomes mandatory.

7 (3) The department shall make treatment programming
8 available to committed offenders as provided in section 83-1,110.01
9 and shall include continuing participation in such programming as
10 part of each offender's parolee personalized program plan. A
11 ~~committed offender who has been found guilty of a violation of the~~
12 ~~rules and regulations of the department for drug or alcohol use~~
13 ~~pursuant to sections 83-4,109 to 83-4,123 shall not be eligible for~~
14 ~~parole for twelve months following the imposition of the~~
15 ~~disciplinary action.~~

16 (4) ~~A committed offender shall not be eligible for parole~~
17 ~~if the offender refuses to comply with the department-approved~~
18 ~~personalized program plan as stipulated in section 83-1,107.~~

19 Sec. 3. Section 83-1,111, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 83-1,111. (1) Every committed offender shall be
22 interviewed and have his or her record reviewed by two or more
23 members of the Board of Parole or a person designated by the board
24 within sixty days before the expiration of his or her minimum term
25 less any reductions as provided in section 83-1,110. If, in the
26 opinion of the reviewers, the review indicates the offender is
27 reasonably likely to be granted parole, the Board of Parole shall

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1 schedule a public hearing before a majority of its members. At
2 such hearing the offender may present evidence, call witnesses, and
3 be represented by counsel. If, in the opinion of the reviewers,
4 the review indicates the offender should be denied parole, the
5 offender may request an additional review by a majority of the
6 members of the board. A review by the majority of the members of
7 the board may be conducted not more than once annually. Any
8 hearing and review shall be conducted in an informal manner, but a
9 complete record of the proceedings shall be made and preserved.

10 (2) The board shall render its decision regarding the
11 committed offender's release on parole within a reasonable time
12 after the hearing or review. The decision shall be by majority
13 vote of the board. The decision shall be based on the entire
14 record before the board, which shall include the opinion of the
15 person who conducted the review. If the board shall deny parole,
16 written notification listing the reasons for such denial and the
17 recommendations for correcting deficiencies which cause the denial
18 shall be given to the committed offender within thirty days
19 following the hearing.

20 (3) If the board fixes the release date, such date shall
21 be not more than six months from the date of the committed
22 offender's parole hearing, or from the date of last reconsideration
23 of his or her case, unless there are special reasons for fixing a
24 later release date.

25 (4) If the board defers the case for later
26 reconsideration, the committed offender shall be afforded a parole
27 ~~hearing~~ review at least once a year until a release date is fixed.

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1 The board may order a reconsideration or a rehearing of the case at
2 any time.

3 (5) The release of a committed offender on parole shall
4 not be upon the application of the offender, but by the initiative
5 of the Board of Parole. No application for release on parole made
6 by a committed offender or on his or her behalf shall be
7 entertained by the board. Nothing herein shall prohibit the
8 Director of Correctional Services from recommending to the board
9 that it consider an individual offender for release on parole.

10 Sec. 4. Section 83-1,135, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 83-1,135. Sections 83-170 to 83-1,135 and section 1 of
13 this act shall be known and may be cited as the Nebraska Treatment
14 and Corrections Act.

15 Sec. 5. Original sections 83-1,110, 83-1,111, and
16 83-1,135, Reissue Revised Statutes of Nebraska, are repealed."